PERMIT NO. MI0057536

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Federal Act"), Michigan Act 451, Public Acts of 1994, as amended (the "Michigan Act"), Parts 31 and 41, and Michigan Executive Orders 1991-31, 1995-4 and 1995-18,

Hartland Farms, Inc.
1580 Hughes Highway
Clayton, Michigan 49235

is authorized to discharge from Hartland Farms, Inc. facility located at

1580 Hughes Highway
Clayton, Michigan 49235

designated as Hartland Farms-CAFO

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit.

Unless specified otherwise, all contact with the Michigan Department of Environmental Quality (the "Department") required by this permit shall be made to the Jackson District Supervisor of the Water Division. The Jackson District Office is located at 301 East Louis Glick Highway, Jackson, Michigan 49201-1556, telephone: 517-780-7690, fax: 517-780-7855. Unless specified otherwise, all Department approvals specified in this permit shall be by the District Supervisor.

In accordance with Section 324.3120 of the Michigan Act, the permittee shall make payment of an annual permit fee to the Department for each October 1 the permit is in effect regardless of occurrence of discharge. The permittee shall submit the fee in response to the Department's annual notice. The fee shall be postmarked by January 15 for notices mailed by December 1. The fee is due no later than 45 days after receiving the notice for notices mailed after December 1. Fees paid in accordance with the Michigan Act are not refundable.

Any person to whom this permit is not acceptable may file a sworn petition with the Office of Administrative Hearings of the Michigan Department of Environmental Quality, setting forth the conditions of the permit which are being challenged, and specifying the grounds for the challenge. The Department may reject any petition filed more than 60 days after issuance as being untimely.

This permit is based on a complete application submitted on March 22, 2005.

This permit for a new use takes immediate effect on the date of issuance. The provisions of this permit are severable. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term in accordance with applicable laws and rules.

This permit and the authorization to discharge shall expire at midnight, October 1, 2009. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit an application which contains such information and forms as are required by the Department by April 4, 2009.

Issued _____.

DRAFT – March 30, 2005
William Creal, Chief
Permits Section
Water Bureau

PART I

Section A. Water Pollution Control Requirements and Limitations

1. Authorized Discharges

During the period beginning on the effective date of this permit, and lasting until the expiration of this permit, the permittee is authorized to discharge the following, provided that the discharge does not cause or contribute to a violation of Michigan's Water Quality Standards:

a. Large CAFO waste in the overflow from the storage structures identified in Part I.A.4. below, when all of the following conditions are met:
   1) These structures are properly designed, constructed, operated and maintained.
   2) Either chronic or catastrophic precipitation events cause an overflow of the storage structures to occur.
   3) The production area is operated in accordance with the requirements of this permit.

b. Runoff from precipitation events from land application areas and areas listed in Part I.B.3.l. managed in accordance with the approved Nutrient Management Plan (NMP)(see Part I.A.4., below).

2. Discharge Monitoring

The discharge authorized in Part I.A.1.a., above, shall be monitored daily by the permittee as specified below on any day when there is a discharge:

Parameter	Units	Sample Type
Flow	MGD	Report Total Daily Flow
Biochemical Oxygen Demand, (BOD_5)	mg/l	Grab
Total Suspended Solids, (TSS)	mg/l	Grab
Ammonia Nitrogen (NH3-N)	mg/l	Grab
Total Phosphorus	mg/l	Grab
Fecal Coliform Bacteria	cts/100ml	Grab
Outfall Observation	---	Visual

a. Any unusual characteristics of the discharge (i.e., unnatural turbidity, color, oil film, odor, floating solids, foams, settleable solids, suspended solids, or deposits) shall be reported concurrently with the discharge reporting required in Part II.B.3. and included in the discharge report required by Part I.A.6. Receiving waters for the production area are an unnamed tributary to the South Branch River Raisin to the east and Bear Creek to the west.

3. Prohibited Discharges

During the period beginning on the effective date of this permit, and lasting until the expiration of this permit, the permittee is prohibited from having any dry weather discharge or discharging any large CAFO waste and/or runoff that doesn't meet the requirements of Part I.A.1. Discharges from land application activities that do not meet the requirements of Part I.A.1. or that violate Water Quality Standards are prohibited.

4. Nutrient Management Plan (NMP)

The permittee shall develop and implement a NMP in accordance with the requirements of this part, Part I.A.4. The NMP shall be designed and implemented to assure compliance with the Water Pollution Control Requirements and Limitations in Part I.A.1 through Part I.A.4. The developed NMP shall be included as part of the permittees CNMP.

a. Large CAFO Waste Storage Structures

The permittee shall have large CAFO waste storage structures in place and operational that are designed, constructed, maintained and operated to contain all of the following:

1) All large CAFO waste generated from the operation of the large CAFO in a six-month or greater time period (including normal precipitation and runoff in the production area during the same time period).

2) All production area waste from a 25-year 24-hour storm event. The magnitude of the 25-year 24-hour storm event is 3.60 inches.

PART I

Section A. Water Pollution Control Requirements and Limitations

3) An additional design capacity of 12 inches of freeboard, except that 6 inches of freeboard is sufficient on the short-term manure storage pits when using as guidance the freeboard recommendations contained in NRCS Conservation Practice Standard No. 313, Waste Storage Structures.

The discharges in Part I.A.1.a. are not authorized unless the permittee is in full compliance with the requirements of this Part, Part I.A.4.a.

b. Large CAFO Waste Storage Structures – Design & Construction

Large CAFO waste storage structures shall have a total combined volume of all of the following (a. + b. + c.):

c. Until October 1, 2005: All large CAFO waste generated from the operation of the large CAFO in a four-month or greater time period, or
After October 1, 2005: All large CAFO waste generated from the operation of the large CAFO in a six-month or greater time period ((including normal precipitation and runoff in the production area during the same time period). This is the operational volume of the storage structure.

d. All production area waste from a 25-year, 24-hour size storm event. This is an emergency volume to be kept available to contain large storm events.

e. Freeboard capacity as specified in Part I.A.4.a. This is a safety margin.

Large CAFO waste storage structures shall include an easily visible, clearly marked depth gauge. Clear, major divisions shall be marked to delineate each of the three volumes specified above.

Except as otherwise required by this permit, large CAFO waste storage structures shall, at a minimum, be constructed in accordance with NRCS standards, currently set forth in Conservation Practice Standard No. 313, Waste Storage Facility, dated June, 2003. Records documenting the current design of any large CAFO waste storage structures, including volume for solids accumulation, design treatment volume, total design volume, and approximate number of days of storage capacity shall be kept with the permittees CNMP for a minimum of five years. Records documenting the current structural design of any large CAFO waste storage structures shall be kept until such structure is permanently closed in accordance with Part I.A.7.

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the Michigan Act.

f. Large CAFO Waste Storage Structures - Inspection

The permittee shall inspect the large CAFO waste storage structures a minimum of one time weekly year-round. A record of the inspections shall be maintained by the permittee for a period of five years. Inspection records shall be kept with the NMP. These inspections shall include all of the following:

1) The large CAFO waste dikes for cracking, vegetative growth, evidence of overflow, erosion, slumping, animal burrowing or breakthrough, and condition of the storage structure liner.

2) The depth of the large CAFO waste in the storage structure and the freeboard as indicated by the depth gauge.

3) The control structures and pump stations to assure that valves, gates and alarms are set correctly and properly functioning.

g. Large CAFO Waste Storage Structures – Operation & Maintenance

The permittee shall implement a Storage Structure Operation & Maintenance Program that incorporates all of the following management practices. The permittee shall initiate steps to correct any condition that is not in accordance with the Storage Structure Operation & Maintenance Program. A copy of the program shall be kept with the NMP.

1) In the event that a storm event causes the level of large CAFO waste in the storage structure to rise above the maximum operational volume level and enter the emergency volume level, the level in the storage structure shall be promptly reduced as soon as possible (the removed large CAFO waste shall be land applied in accordance with this permit or the Department shall be notified if another method of disposal is to be used) and the emergency volume shall be maintained empty in readiness for use.

2) At some point in time during the period of October 1 to December 15 of each year, there shall be a minimum available operational volume in the large CAFO waste storage structures equal to the volume of large CAFO waste generated from the operation of the large CAFO in a six-month or greater time period (including normal precipitation and runoff in the production area during the same time period) and the available operational volume shall provide sufficient storage until April 1, at a minimum, of the following year.

3) Vegetation shall be maintained at a height not more than 6 inches above the ground on large CAFO waste dikes.

PART I

Section A. Water Pollution Control Requirements and Limitations

4) Dike damage caused by erosion, slumping or animal burrowing shall be corrected immediately and steps taken to prevent occurrences in the future.

5) The integrity of the large CAFO waste storage structure liner shall be protected. Liner damages shall be corrected immediately and steps taken to prevent future occurrences.

6) A schedule for the inspection and maintenance of the collection system, lift stations, mechanical and electrical systems, transfer stations, and control structures shall be developed and implemented.

h. Large CAFO Waste Storage Structures and Collection - Silage

The permittee shall install a silage runoff collection system which collects all silage runoff and directs it to the large CAFO waste storage structures. The silage runoff collection system shall be designed by a professional engineer in accordance with NRCS standards and submitted to the Department for review. The silage runoff collection system shall be installed and be operational by August 1, 2005.

i. Minimum Standards

Part I.B.3. of this permit, Minimum Standards, is adopted by reference into this part, Part I.A.4.

j. General Inspection, Monitoring, and Record Keeping Requirements

Part I.B.4. of this permit, General Inspection, Monitoring, and Record Keeping Requirements, is adopted by reference into this part, Part I.A.4.

5. Comprehensive Nutrient Management Plan (CNMP) Development and Implementation

The permittee shall develop and implement a CNMP in accordance with the requirements of Part I.B. The CNMP shall be approved by a certified CNMP planner within three months of the issuance date of this permit.

6. Reporting of Discharges

If, for any reason, there is a discharge of pollutants to a surface water of the State from large CAFO waste storage structures, production areas, or land application areas, the permittee shall report the discharge to the Department in accordance with the reporting procedures contained in Part II.B.3, the Clerk of the local unit of government, and the county health department. In addition, the permittee shall keep a copy of the report together with the approved CNMP for a minimum of five years. The discharge report shall include all of the following information:

a. A description of the discharge and its cause, including a description of the flow path to the surface water of the State.

b. The period of discharge, including exact dates and times, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrence of the discharge.

c. An estimate of the volume of the release and the volume of the discharge.

d. Monitoring results as required by Part I.A.1.

e. In the event of a discharge through tile lines, the permittee shall identify and document, for field(s) from which the discharge occurred, the location of tile and depth of tile. The permittee shall also document field conditions at the time of the discharge, determine why the discharge occurred and how to prevent future discharges.

f. If the permittee believes that the discharge is an authorized discharge, then the permittee shall include a demonstration that the discharge meets the requirements of Part I.A.1.a. and/or Part I.A.1.b., as appropriate.

7. Closure of Structures and Facilities

The following conditions shall apply to the closure of lagoons, large CAFO waste storage structures, earthen or synthetic lined basins and other manure and wastewater facilities and silage wastewater storage facilities (collectively referred to as "structure(s)" for the remainder of this Part):

No structure shall be permanently abandoned. Structures shall be maintained at all times until closed in compliance with this section. All structures must be properly closed if the permittee ceases operation. In addition, any structure that is not in use for a period of twelve consecutive months must be properly closed unless the permittee intends to resume use of the structure at a later date, and either: (a) maintains the structure as though it were actively in use, to prevent compromise of structural integrity and assure compliance with final effluent limitations, or (b) removes large CAFO waste to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner. In either case, the

PART I

Section A. Water Pollution Control Requirements and Limitations

permittee shall conduct routine inspections, maintenance, and record-keeping as though the structure were in use. The permittee shall notify the Department in writing prior to closing structures, or upon making a determination that the structures will be maintained as specified in (a) or (b) above. Prior to restoration of use of the structure, the permittee shall notify the Department in writing and provide the opportunity for inspection.

The permittee shall accomplish closure by removing all waste materials to the maximum extent practicable. This shall include agitation and the addition of clean water as necessary to remove the waste materials. The permittee shall utilize as guidance the closure techniques contained in NRCS Conservation Practice Standard No. 360, Closure of Waste Impoundments. All removed materials shall be utilized or disposed of in accordance with the permittee's approved CNMP, unless otherwise authorized by the Department.

Unless the structure is being maintained for possible future use in accordance with the requirements above, completion of closure for structures shall occur as promptly as practicable after the permittee ceases to operate or, if the permittee has not ceased operations, 12 months from the date on which the use of the structure ceased, unless otherwise authorized by the Department.

8. Standards, Specifications and Practices

The published standards, specifications and practices referenced in this permit are those which are in effect at the time of permit issuance, unless otherwise provided by law. NRCS Conservation Practice Standards referred to in this permit are currently contained in Section IV, Practice Standards and Specifications, of the Michigan NRCS Field Office Technical Guide.

9. Facility Contact

The "Facility Contact" was specified in the application. The permittee may replace the facility contact at any time, and shall notify the Department in writing within 10 days after replacement (including the name, address and telephone number of the new facility contact).

a. The facility contact shall be any of the following (or a duly authorized representative of this person):
For a corporation, a principal executive officer of at least the level of vice president, or a designated representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the permit application or other NPDES form originates.
For a partnership, a general partner.
For a sole proprietorship, the proprietor.
For a municipal, state, or other public facility, either a principal executive officer, the mayor, village president, city or village manager or other duly authorized employee.

b. A person is a duly authorized representative only if both of the following requirements are met:
The authorization is made in writing to the Department by a person described in paragraph a. of this section.
The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the facility (a duly authorized representative may thus be either a named individual or any individual occupying a named position).

Nothing in this section obviates the permittee from properly submitting reports and forms as required by law.

10. Duty to Maintain Permit Coverage

No later than 180 days before the expiration of the permit, the permittee must submit an application to renew its permit. However, the permittee need not continue to seek continued permit coverage or reapply for a permit if both of the following apply:

a. The facility has ceased operation or is no longer a CAFO.
b. The permittee has demonstrated to the satisfaction of the Department that there is no remaining potential for a discharge of large CAFO waste that was generated while the operation was a CAFO.

PART I

Section B. Comprehensive Nutrient Management Plan

1. Michigan's Comprehensive Nutrient Management Plan

A Michigan Comprehensive Nutrient Management Plan (CNMP) describes the production practices, equipment, and structure(s) that the owner/operator of an agricultural operation now uses and/or will implement to sustain livestock and/or crop production in a manner that is both environmentally and economically sound. It combines conservation practices and management activities into a system that addresses animal production operations from feed inputs through use of animal manure and other organic by-products. The CNMP is a planning tool as well as a record of decisions in that it details the activities that the landowner/operator implements. It also documents all the land (cropland, facilities, etc.) which the landowner/operator owns, or has decision-making authority over, on which manure or organic by-products will be generated, handled, or applied.

The objectives of the CNMP include: protecting water quality, permit compliance, obtaining beneficial use from animal manure and organic by-products of the operation, and minimizing impacts to the environment and public health from animal feeding operations. The CNMP shall apply to both production areas and land application areas. Site-specific structural, conservation, or managerial practices should be designed, installed, and maintained using standards and specifications from the NRCS as guidance, including Conservation Practice Standard No. 590, Nutrient Management, and Conservation Practice Standard No. 633, Waste Utilization. An outline for a CNMP is available from the Department. Each of the components in the outline should be considered when developing a CNMP.

2. CNMP Approval, Implementation, Review, and Revisions

a. Approval

The CNMP shall be approved by a Certified CNMP Provider. A copy of the approved CNMP, including an executive summary, shall be submitted to the Department. An extra copy of the entire CNMP shall be available at the large CAFO for review by the Department.

Essential elements of the Executive Summary includes all of the following:

1) The livestock type(s), herd/flock size, and type of livestock operation.
2) The type, size, and general construction of the facility.
3) The type, size, design basis (size and structure), storage time capacity and general construction of large CAFO waste storage structures.
4) A list of environmental concerns, i.e. runoff into surface waters, odors, groundwater risks and how these concerns are addressed.
5) Future goals and long term plan such as expansion or significant changes that impact nutrient use on the farm.
6) The expected volume of large CAFO waste to be generated per year and a summary of the CNMP demonstration that the permittee can properly utilize or dispose of the expected volume of large CAFO waste generated by the permitted facility. Such a demonstration shall include information on the number of acres available for land application and methods and volume of large CAFO waste utilization or disposal other than land application.
7) A map showing the location of the farm production area with all nearby surface waters and wells identified.
8) The implementation schedule for the CNMP.
9) Any field-by-field demonstrations in the CNMP showing that surface land application to frozen or snow-covered ground without incorporation within 24 hours will not result in a situation where large CAFO waste may enter waters of the state.
10) A field specific spreading plan which identifies when, where and how much large CAFO waste will be applied to each field for the period of operation beginning with permit issuance and lasting until submittal of the first annual report.

b. Implementation

The CNMP shall be implemented, upon approval by a certified CNMP provider, in accordance with the CNMP schedule of implementation.

PART I

Section B. Comprehensive Nutrient Management Plan

c. Annual Report

The permittee shall annually review the approved CNMP to update the CNMP as necessary to meet the requirements of Part I.B. Additionally, the permittee shall review all facilities and land application practices and areas addressed in the permittee's approved CNMP to evaluate whether practices identified in the approved CNMP are adequately and properly implemented in accordance with the terms of this permit or whether additional control measures are needed.

The permittee shall submit an annual report, on a form provided by the Department, to the Department by April 1 of each year. The annual report shall include, but is not limited to, all of the following:

1) Notification that the annual review, as described above, has been completed.
2) The average and maximum number of animals at one time, and the type of animals, whether in open confinement or housed under roof (beef cattle, broilers, layers, swine weighing 55 pounds or more, swine weighing less than 55 pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, other).
3) Estimated amount of total large CAFO waste generated by the large CAFO in the previous 12 months (tons/gallons).
4) Estimated amount of total large CAFO waste transferred to other persons by the large CAFO in the previous 12 months (tons/gallons).
5) Total number of acres for land application covered by the CNMP developed in accordance with this permit.
6) Total number of acres under control of the large CAFO that were used for land application of large CAFO waste in the previous 12 months.
7) Summary of all large CAFO waste discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume.
8) A field specific spreading plan which identifies when, where and how much large CAFO waste will be applied to each field for the upcoming 12 months.
9) A statement indicating whether the current version of the large CAFO's CNMP was developed or approved by a certified CNMP provider.
10) Updated portions of the CNMP not previously submitted to the Department.

d. CNMP Revisions

Prior to a significant change in the operation of the large CAFO, whenever there is an unauthorized discharge (see Parts I.A.1 and I.A.3.), or if the Department determines that the CNMP is inadequate in preventing pollution, the approved CNMP shall be revised and the revisions approved by a Certified CNMP Provider. Within ninety (90) days of a significant change, an unauthorized discharge or a Department requested revision the revised portions of the CNMP shall be submitted to the Department, with a copy of the Certified CNMP Provider certification that the revised CNMP has been approved and implemented.

Significant change includes, but is not limited to, any of the following:

1) An increase in the number of animal units that is greater than or equal to 10% of the number identified in the CNMP.
2) An increase in the number of animal units that results in a decrease in the waste storage capacity time, as identified in the CNMP, by one month or greater.
3) An increase in the number of animal units where the manure generated by the livestock requires more land for its application than is available at the time of the increase.
4) A decrease in the number of acres available for land application, where the manure/waste generated requires more land for it’s application than will be available after the decrease.
5) Implementation of alternative or enhanced treatment technologies.

3. Minimum Standards

The following Minimum Standards are designed to achieve the objective of preventing discharges of pollutants to waters of the State from production areas and from land application activities. All of these minimum Standards shall be incorporated into the CNMP and implemented in accordance with the CNMP Schedule of Implementation.

PART I

Section B. Comprehensive Nutrient Management Plan

a. Buffers and Equivalent Practices

Provide and maintain buffer strips or other equivalent practices near feedlots, manure storage areas, and land application areas that are sufficient to prevent the discharge of pollutants (e.g., eroded soil and large CAFO waste) to waters of the State in quantities that may cause or contribute to a violation of water quality standards and to achieve a goal of preventing the degradation of high quality waters. These practices may include but are not limited to residue management, conservation crop rotation, grassed waterways, strip cropping, vegetative buffers, forested riparian buffers, terracing, and diversion.

b. Divert Clean Water

Design and implement management practices to divert clean water and floodwaters from contact with contaminated portions of the production area. Clean water may include roof runoff, runoff from feed or silage storage areas where such runoff has not contacted feed or silage, runoff from adjacent land, or other sources.

c. Prevent Direct Contact of Animals with Waters of the State

Develop and implement appropriate controls to protect water quality by preventing access of animals to waters of the State. There shall be no access of animals to waters of the State at the production area of the large CAFO.

d. Animal Mortality

Handle and dispose of dead animals in a manner that prevents contamination of waters of the State and in accordance with PA 239 of 1982, as amended, Bodies of Dead Animals Act. Mortalities must not be disposed of in any liquid large CAFO waste storage structure. Records of mortality management and practices shall be kept with the permittees CNMP for a minimum of five years.

e. Chemical Disposal

Prevent introduction of hazardous or toxic chemicals (for purposes of disposal) into manure and wastewater storage structures. Examples of hazardous and toxic chemicals are pesticides and petroleum products/by-products.

f. Proper Operation and Maintenance

Implement an operation and maintenance program that includes periodic visual inspection, proper operation, and maintenance of all manure and wastewater storage structures, manure and wastewater handling equipment and all runoff management devices (e.g., cleaning separators, barnyards, catch basins, screens, annual calibration of land application equipment) and to prevent the discharge of pollutants to surface water and to groundwater. Specific inspection requirements include all of the following:

1) All manure application equipment shall be inspected periodically for leaks, structural integrity, proper operation and maintained and calibrated annually to ensure proper application rates.

2) Weekly visual inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to large CAFO waste storage structures.

3) Daily visual inspections of water lines, including drinking water and cooling water lines.

4) Any deficiencies found as a result of inspections must be corrected as soon as possible. Records documenting any actions taken to correct deficiencies shall be kept with the permittees CNMP for a minimum of five years. Deficiencies not corrected within 30 days must be accompanied by an explanation of the factors preventing immediate correction.

5) Records of these inspections, including the date of inspection, shall be kept with the CNMP for a minimum of five years.

g. Maintain Proper Storage Capacity

Maintain sufficient operational freeboard in liquid manure and wastewater storage structures to meet Parts I.A.4. and to ensure compliance with the permit conditions. Store dry manure in production buildings or in storage facilities or otherwise store in such a way as to prevent polluted runoff. Provide adequate storage capacity to meet Parts I.A.4. and so that land application occurs only during periods when land or weather conditions are suitable for manure and wastewater application.

PART I

Section B. Comprehensive Nutrient Management Plan

h. Maintain Tile System Integrity

Maintain tile system integrity to prevent the discharge of large CAFO waste and other polluting material which is land applied. The permittee shall take field-specific actions, which include but are not limited to, determining appropriate application location, time, method and rate to prevent the discharge of this material. The permittee shall identify and document, on a field by field basis, tile locations, tile outlets and tile risers. Prior to land application, the permittee shall inspect the land application area to determine the suitability of the site for land application (considerations may include tile location and depth, soil type, evidence of soil cracking, moisture holding capacity of the soil profile, crop maturity, prior precipitation, forecasted precipitation, etc.).

i. Rates and Timing of Land Application of Large CAFO Waste

1) Field-by-Field Assessment

Conduct a field-by-field assessment of all land application areas and determine the form, source, amount, timing, rate and method of application of nutrients necessary to demonstrate that land application of large CAFO waste is in accordance with field specific nutrient management practices that ensures proper agricultural utilization of the nutrients in the large CAFO waste and will not result in a discharge that is in violation of the conditions of this permit. The assessment shall identify and take into account field specific conditions, including soil type, location and depth of all field tiles, and locations of tile outlets and risers, prior to land application to determine suitability of land application and to prevent discharge of any potential polluting material. Any new fields shall be assessed prior to their use for land application activities.

2) Land Application Rates

Land apply large CAFO waste in accordance with land application rates developed on a field-specific basis as needed to protect water quality. The permittee shall land apply at rates that (1) do not exceed the capacity of the soil and the planned crop to assimilate nutrients; (2) are quantified and based on the most limiting nutrient in the soil (e.g., phosphorus or nitrogen), type of crop, realistic crop yields, soil type, and all nutrient inputs in addition to those from large CAFO waste; and (3) prevent nutrient transport to surface waters.

The basis for the most limiting nutrient in the soil shall be as follows. If the Bray P1 soil test level, based on an 8-inch depth (soil sampling depth shall be 2-inches on fields, or portion of fields, where large CAFO waste is surface applied without incorporation and no field tiles are present because there may be a high risk of nutrient transport from such fields to surface waters), reaches 150 lbs./acre, (75 PPM), manure applications shall be reduced to a rate where manure phosphorus added does not exceed the phosphorus removed by the harvested crop. If this manure rate is impractical due to manure spreading equipment or crop production management, a quantity of manure phosphorus equal to the amount of phosphorus removed by two crop years can be used for the first crop year (except where applied to shallow soils over bedrock). No additional phosphorus can be applied for the second crop year. The higher rate of manure shall not exceed the nitrogen fertilizer recommendation for the first crop grown after the manure is applied. If the Bray P1 soil test, based on an 8-inch depth (soil sampling depth shall be 2-inches on fields, or portion of fields, where large CAFO waste is surface applied without incorporation and no field tiles are present because there may be a high risk of nutrient transport from such fields to surface waters), is 300 lbs./acre (150PPM), or higher, manure applications shall be discontinued until nutrient harvest by crops reduces phosphorus test levels to less than 300 lbs./acre.

Guidance for developing soil sampling strategies can be found in Michigan State University Extension Bulletins such as E-498, E-2567 and E-550A. In addition to the above requirements, NRCS Conservation Practice Standard No. 590, Nutrient Management, should be used as guidance when determining rates for land application of large CAFO waste.

The following information shall be recorded and kept with the permittees CNMP for a period of five years:

a) Expected crop yields.

b) Explanation of the basis for determining manure application rates, as provided in the technical standards established by the Department.

c) Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than large CAFO waste.

PART I

Section B. Comprehensive Nutrient Management Plan

3) Land Application Timing and Methods – General Requirements and Prohibitions

All of the following apply:

a) Large CAFO waste shall not be applied on land that is frozen, snow covered, flooded or saturated with water at the time of land application where it may enter waters of the State.

b) Large CAFO waste shall not be applied during rainfall events.

c) On ground that is not frozen or snow covered large CAFO waste shall be subsurface injected or incorporated into the soil within 24 hours of application except that the incorporation of solid manure may be delayed up to 36 hours after the end of application on a particular field if there is no risk of rainfall. Injection or incorporation may not be feasible where large CAFO wastes are applied to pastures or forage crops, such as alfalfa, wheat stubble or where no-till practices are used, therefore, large CAFO waste may not be applied to pastures or forage crops, such as alfalfa, wheat stubble or where no-till practices are used where it may enter surface waters of the state.

4) Land Application Timing – Rainfall

Field application shall be delayed if rainfall exceeding one-half inch, or less if a lesser rainfall event is capable of producing runoff or erosion, is forecasted by the National Weather Service (NWS) within 24 hours of the time of the planned application. Forecast models to be used can be found on the internet at http://www.nws.noaa.gov/mdl/synop/products.shtml. Model data to be used for one-half inch shall be:

a) GFS MOS (MAV) Forecast Graphics: If the 24H Prob. >= 0.50 in. is 70% or greater for the land application location then land application shall be delayed until the 24H Prob. >= 0.50 in. is less than 70%.

b) GFS MOS (MEX) Text Message by Station Forecast: If the Q24 is 4 or greater then land application shall be delayed until the Q24 is less than 4. The stations to be used are Adrian and Hillsdale.

Different model data shall be used if it is determined that rainfall less than ½" on a particular field is capable of producing runoff or erosion (contact the Department for runoff prediction formula information). For example: using the 24hr Prob. >= .25" and a Q24 rating of 3 or greater may be appropriate on higher risk fields. If the NWS website is revised and the required forecast models are not available, the permittee shall contact the Department for information on which forecast models to use. Instructions for using this website are available from the Department.

5) Land Application Timing and Methods – Requirements for Frozen/Snow Covered Ground

Large CAFO waste may be applied to frozen or snow covered ground where it will not enter waters of the State, and it is subsurface injected with substantial soil coverage of the applied large CAFO waste or it is surface applied and incorporated within 24 hours. Large CAFO waste may be surface applied to frozen or snow-covered ground and not incorporated within 24 hours only if there is a field-by-field demonstration, in accordance with state technical standards, in the CNMP and in the CNMP Executive Summary showing that such land application will not result in a situation where large CAFO waste may enter waters of the state. Factors to be considered in the demonstration include, but may not be limited to, all of the following: method and rate of application, form of the large CAFO waste, slopes, setbacks, buffers, sensitive areas, cover crop or residue, distance to surface waters, distance to open tile line risers and other conduits to surface water, hydrology, soil group, surface roughness, and parts of fields to be excluded.

6) Land Application Methods – Setbacks

The large CAFO shall comply with any of the following setback requirements:

a) Large CAFO waste may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters.

b) the CAFO may substitute the 100-foot setback with a 35-foot wide vegetated buffer where applications of large CAFO waste are prohibited.

c) The CAFO may demonstrate in the CNMP that a different setback or buffer is adequate because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback.

j. Storm Water Management

Develop within the CNMP all of the following:

1) Give a description of clean water diversion used at the facility for the production area, and any area which is directly related to animal production including waste and feed storage.

2) Describe and ensure implementation of practices to minimize and control pollutants in storm water discharges associated with the following areas:

PART I

Section B. Comprehensive Nutrient Management Plan

a) Immediate access roads and rail lines used or traveled by carriers of raw materials, waste material, or by-products used or created by the facility.
b) Sites used for handling material other than manure, litter, and process wastewater.
c) Refuse sites.
d) Sites used for the storage and maintenance of material handling equipment.
e) Shipping and receiving areas.

4. General Inspection, Monitoring, and Record Keeping Requirements

The permittee shall inspect, monitor, record, and keep with the CNMP for five years the results of such inspection and monitoring in accordance with the following:

PARAMETER	UNITS	FREQUENCY
a. Sampling of large CAFO waste and soils at land application sites (Sampling and practices for land application shall be conducted in accordance with the permittee's approved CNMP.)		
Sample large CAFO waste to determine available nutrient content (nitrogen and phosphorus) Guidance for large CAFO waste sampling protocols can be found in Michigan State University Extension Bulletin NCR567 and the results used to determine land application rates. Record the nutrient levels and analysis methods used.	lbs/gal. (liquids) lbs/ton (solids)	Minimum frequencies shall be based on the permittee's approved CNMP but no less than once per year
Sample soils at land application sites to determine soil fertility. Record the nutrient levels and analysis methods used. Record the nutrient levels and analysis methods used.	Pounds per acre	A minimum of every three years
b. Land application activities (Monitor during periods of land application. Sampling and practices for land application shall be conducted in accordance with the permittee's approved CNMP.)		
Quantity and rate of large CAFO waste applied to fields used for land application including the method used to apply the large CAFO waste.	Gallons/acre or tons/acre	Monitor each field at time of land application
Total amount of nitrogen and phosphorus actually applied to each field including sources other than large CAFO waste, including documentation of calculations for the total amount applied	Pounds per acre	
Weather conditions at time of application and for 24 hours prior to and following application	Written description based on visual observation	
Inspect drainage tile discharge points from land application fields for the discharge of large CAFO waste (observe and compare color and odor before and after land application)	Written description based on visual observation	
Condition of designated conservation practices (i.e., grassed waterways, buffers, diversions)	Written description based on visual observation	Minimum frequencies shall be based on the permittee's approved CNMP

5. Requirements for Land Application Activities Not Under the Control of the large CAFO Permittee

Unless the Department determines otherwise, in cases where large CAFO waste is sold, given away or otherwise transferred to another person (recipient) such that the land application of that large CAFO waste is no longer under the operational control of the large CAFO owner or operator that generates the large CAFO waste (generator), a manifest shall be completed and used to track the transfer and use of the large CAFO waste.

a. Prior to transfer of the large CAFO waste, the large CAFO owner or operator shall do all of the following:
   1) Prepare a manifest for tracking the large CAFO waste before transferring the large CAFO waste.

PART I

Section B. Comprehensive Nutrient Management Plan

2) Designate on the manifest the recipient of the large CAFO waste.

b. The generator shall use a manifest form which is approved by the Department and which provides for the recording of all of the following information:
1) A manifest document number.
2) The generator's name, mailing address, and telephone number.
3) The name and address of the recipient of the large CAFO waste.
4) The nutrient content of the large CAFO waste to be transferred, in sufficient detail to determine the appropriate land application rates.
5) The total quantity by units of weight or volume and the number and size of the loads or containers used to transfer that quantity of large CAFO waste.
6) A statement that informs the recipient of his/her responsibility to properly manage the land application of the manure and/or wastewater as necessary to assure there is no illegal discharge of pollutants to waters of the State.
7) The following certification by the generator: "I hereby declare that the large CAFO waste is accurately described above and is suitable for land application."
8) Other certification statements as may be required by the Department.
9) The address or other location description of the site or sites used by the recipient for land application or other disposal or use of the large CAFO waste.
10) Signatures of the generator and recipient with dates of signature.

c. The generator shall do all of the following with respect to the manifest:
1) Sign and date the manifest certification prior to transfer of the large CAFO waste.
2) Obtain a dated signature of the recipient on the manifest and the date of acceptance of the large CAFO waste.
3) Retain a copy of the signed manifest.
4) Provide a signed copy to the recipient.
5) Advise the recipient of his or her responsibilities to complete the manifest and, if not completed at time of delivery, return a copy to the generator within 30 days after completion of the land application or other disposal or use of the large CAFO waste.

d. One manifest may be used for multiple loads or containers of the same large CAFO waste transferred to the same recipient. The manifest shall list separately each address or location used by the recipient for land application or other disposal or use of the large CAFO waste. Each different address or location listing shall include the quantities of large CAFO waste transferred to that location and dates of transfer.

e. The generator shall not sell, give away or otherwise transfer large CAFO waste to a recipient if any of the following are true:
1) That recipient fails or refuses to provide accurate information on the manifest in a timely manner.
2) That the use or disposal information on the manifest indicates improper land application, use or disposal;
3) The generator determines that there has been improper land application, use or disposal of the manifested large CAFO waste.
4) The generator has been advised by the Department that the Department or a court of appropriate jurisdiction has determined that the recipient has improperly land applied, used, or disposed of a manifested large CAFO waste.

f. If the generator has been prohibited from selling, giving or otherwise transferring large CAFO waste to a particular recipient under Part I.B.4.e., above, and the generator wishes to resume selling, giving or otherwise transferring large CAFO waste to that particular recipient, then the one of the following shall be accomplished:
1) For improper paperwork only, such as incomplete or inaccurate information on the manifest, the recipient must provide the correct, complete information.
2) For improper land application, use or disposal of the large CAFO waste by the recipient, the generator must demonstrate, in writing, to the Department that the improper land application, use or disposal has been corrected, and the Department has provided approval of the demonstration.

g. All manifests shall be kept with the large CAFO owner or operator’s CNMP for a minimum of five years.

h. The requirements of Part I.B.5. do not apply to quantities of large CAFO waste less than one pick-up truck load, one cubic yard or one ton per recipient per day.

PART II

Section A. Definitions

Animal feeding operation (AFO) means a lot or facility that meets both of the following conditions:
1. Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of 45 calendar days or more in any 12-month period.
2. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over the portion of the lot or facility where animals are confined.

Two or more AFOs under common ownership are considered to be a single AFO if they adjoin each other or if they use a common area or system for the disposal of wastes. Common area includes land application areas.

CAFO process wastewater means water directly or indirectly used in the operation of a large CAFO for any of the following:
1. Spillage or overflow from animal or poultry watering systems.
2. Washing, cleaning, or flushing, pens, barns, manure pits, or other AFO facilities.
3. Direct contact swimming, washing, or spray cooling of animals.
4. Dust control.
5. Any water which comes into contact with, or is a constituent of, any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding.

Catastrophic precipitation event is equal to or greater in size than a 25-year, 24-hour storm event. Catastrophic events include tornadoes, hurricanes, or other catastrophic conditions that would cause an overflow from the waste retention structure that is designed, constructed, operated, and maintained to meet all the requirements of this permit.

Certified CNMP Provider is a person that attains and maintains educational and technical certification requirements as agreed to by a certifying organization that has signed a Memorandum of Understanding with the United States Department of Agriculture Natural Resources Conservation Service (NRCS).

Chronic precipitation event is a series of wet weather conditions that precludes reducing the volume of properly maintained waste retention structures.

CNMP means Comprehensive Nutrient Management Plan.

Department means the Michigan Department of Environmental Quality.

Discharge as used in this permit means the addition of any waste, waste effluent, wastewater, pollutant, or any combination thereof to any surface water of the state.

Incorporation within 24 hours means within 24 hours of the end of the calendar day.

Land application means spraying or spreading of biosolids, manure, wastewater and/or derivatives onto the land surface, injecting below the land surface, or incorporating into the soil so that the biosolids, manure, wastewater and/or derivatives can either condition the soil or fertilize crops or vegetation grown in the soil.

Land application area means land under the control of an AFO owner or operator, whether it is owned, rented, leased, or subject to an access agreement to which large CAFO waste is or may be applied. Land application area includes land not owned by the AFO owner or operator but where the AFO owner or operator has control of the land application of large CAFO waste.

Large CAFO waste means CAFO process wastewater, manure, production area waste or any combination thereof.

Large concentrated animal feeding operation or large CAFO is an AFO that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
1. 700 mature dairy cattle (whether milked or dry cows).
2. 1000 veal calves.
3. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes heifers, steers, bulls, and cow/calf pairs.
4. 2,500 swine each weighing 55 pounds or more.
5. 10,000 swine each weighing less than 55 pounds.
6. 500 horses.
7. 10,000 sheep or lambs.

PART II

Section A. Definitions

8. 55,000 turkeys.
9. 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system.
10. 125,000 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system.
11. 82,000 laying hens, if the AFO uses other than a liquid manure handling system.

As used in this permit the term "large CAFO" includes any animal feeding operation that request coverage under the permit for which the Department determines that this permit is appropriate for the applicant's operation. A large CAFO includes both production areas and land application areas.

Manure means animal excrement and is defined to include bedding, compost and raw materials or other materials commingled with animal excrement or set aside for disposal.

New Large CAFO means a large CAFO that is newly built and was not in production (i.e., animals were not on site) prior to February 27, 2004. New Large CAFO also means existing facilities where, due to expansion in production, the process or production equipment is totally replaced or new processes are added that are substantially independent of an existing source at the same site, after February 27, 2004. This does not include replacement due to acts of God or upgrades in technology that serve the existing production.

NRCS means the Natural Resources Conservation Service of the Untied States Department of Agriculture.

Overflow means the discharge of manure or process wastewater resulting from the filling of large CAFO waste storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure.

Production area is the portion of the large CAFO that is not used for land application and includes all areas used for animal product production activities. This includes, but is not limited to: the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milk rooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes feed silos, silage bunkers, and bedding materials. The waste containment area includes settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of "production area" is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities. Production area does not include pasture lands (Pasture land is land that is primarily used for the production of forage upon which livestock graze. Pasture land is characterized by a predominance of vegetation consisting of desirable forage species. Sites such as loafing areas, confinement areas, or feedlots which have livestock densities that preclude a predominance of desirable forage species are not considered pasture land.).

Production area waste means manure and any waste from the production area and any precipitation (e.g., rain or snow) which comes into contact with, or is contaminated by, manure or any of the components listed in the definition for "production area". Production area waste does not include water from land application areas.

Regional Administrator is the Region 5 Administrator, U.S. EPA, located at R-19J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

Silage leachate means a liquid, containing organic constituents, that results from the storage of harvested plant materials, which usually have a high water content.

Vegetated buffer means a narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters.

Water Quality Standards means the Part 4 Water Quality Standards developed under Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being Rules 323.1041 through 323.1117 of the Michigan Administrative Code.

25-year, 24-hour storm event or **100-year, 24-hour storm event** means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years or 100 years, respectively, as defined by the "Rainfall Frequency Atlas of the Midwest", Huff and Angel, Illinois State Water Survey, Champaign, Bulletin 71, 1992, and subsequent amendments, or equivalent regional or state rainfall probability information developed there from.

PART II

Section B. Reporting Requirements

1. Retained Self-Monitoring Requirements

The permittee shall maintain a year-to-date log of inspection, monitoring and record keeping results required by this permit and, upon request, provide such log for inspection to the staff of the Department. Such inspection, monitoring and record keeping results shall be submitted to the Department upon request.

The permittee shall certify, in writing, to the Department, on or before April 1st of each year, that: 1) all retained self-monitoring requirements have been complied with and a year-to-date log has been maintained; and 2) the application on which this permit is based still accurately describes the animal feeding operation.

2. Submittal Requirements for Self-Monitoring Data

The permittee shall submit self-monitoring data on the Environmental Protection Agency's Discharge Monitoring Report (DMR) forms (monthly summary information) and the Department's Daily Discharge Monitoring Report forms (daily information) to PCS-Data Entry, Water Division, Michigan Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan, 48909-7773, for each calendar month of the authorized discharge period(s). The forms shall be postmarked no later than the **10th day of the month** following each month of the authorized discharge period(s). Electronic Environmental Discharge Monitoring Reporting (**e2-DMR**) System participants shall submit self-monitoring data for each month of the authorized discharge period(s). The electronic forms shall be submitted to the department no later than the **20th day of the month** following each month of the authorized discharge period(s).

Alternative Daily Discharge Monitoring Report formats may be used if they provide equivalent reporting details and are approved by the Department. For information on the electronic submittal of this information, contact the Department or visit the ***e2-Reporting*** website @ https://secure1.state.mi.us/e2rs/ - click on "about e-DMR" to download the **Facility Participation Package.**

3. Discharge and Noncompliance Reporting

Compliance with all applicable requirements set forth in the Federal Act, Parts 31 and 41 of the Michigan Act, and related regulations and rules is required. All instances of discharge or noncompliance shall be reported as follows:

a. 6-hour reporting – Any discharge shall be reported, verbally, as soon as practicable but no later than 6 hours from the time the permittee becomes aware of the discharge. A written report shall also be provided within five (5) days.

b. other reporting - The permittee shall report, in writing, all other instances of noncompliance not described in a. above at the time monitoring reports are submitted; or, in the case of retained self-monitoring or inspection results or records, within five (5) days from the time the permittee becomes aware of the noncompliance.

Written reporting shall include: 1) a description of the discharge and cause of noncompliance; and 2) the period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge. All reporting shall be to all of the following: the Department, the clerk of the local unit of government and the county health department. Verbal reporting to the Department after regular working hours shall be made by calling the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660). Verbal reporting to the clerk of the local unit of government and the county health department after regular working hours shall be made as soon as soon as those agencies are next open for business unless those agencies provide after hours contact information.

PART II

Section B. Reporting Requirements

4. Spill Reporting

The permittee shall immediately report any release of any polluting material which occurs to the surface waters or groundwaters of the state, unless the permittee has determined that the release is not in excess of the threshold reporting quantities specified in the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code), by calling the Department at the number identified on the cover page of this permit, or if the notice is provided after regular working hours call the Department's 24-hour Pollution Emergency Alerting System telephone number, 1-800-292-4706 (calls from out-of-state dial 1-517-373-7660).

Within ten (10) days of the release, the permittee shall submit to the Department a full written explanation as to the cause of the release, the discovery of the release, response (clean-up and/or recovery) measures taken, and preventative measures taken or a schedule for completion of measures to be taken to prevent reoccurrence of similar releases.

5. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

6. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or any other activity which may result in noncompliance with permit requirements.

7. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which this authorization applies, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department at least 30 days prior to the actual transfer of ownership or control.

8. Records Retention

All records and information resulting from the monitoring and inspection activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) years, or longer if requested by the Department.

9. Notification of Changes in Discharge

The permittee shall notify the Department, in writing, within 10 days of knowing, or having reason to believe, that any activity or change has occurred or will occur which would result in the discharge of: 1) detectable levels of chemicals on the current Michigan Critical Materials Register, priority pollutants or hazardous substances set forth in 40 CFR 122.21, Appendix D, or the Pollutants of Initial Focus in the Great Lakes Water Quality Initiative specified in 40 CFR 132.6, Table 6, which were not acknowledged in the application or listed in the application at less than detectable levels; 2) detectable levels of any other chemical not listed in the application or listed at less than detection, for which the application specifically requested information; or 3) any chemical at levels greater than five times the average level reported in the complete application (see the first page of this permit for the date(s) the complete application was submitted). Any other monitoring results obtained as a requirement of this permit shall be reported in accordance with the compliance schedules.

PART II

Section B. Reporting Requirements

10. Changes in Facility Operations

Any anticipated action or activity, including but not limited to facility expansion, production increases, or process modification, which will result in new or increased loadings of pollutants to the receiving waters must be reported to the Department by a) submission of an increased use request (application) and all information required under Rule 323.1098 (Antidegradation) of the Water Quality Standards or b) by notice if the following conditions are met: 1) the action or activity will not result in a change in the types of wastewater discharged or result in a greater quantity of wastewater than currently authorized by this permit; 2) the action or activity will not result in violations of the effluent limitations specified in this permit; 3) the action or activity is not prohibited by the requirements of Part II.C.10.; and 4) the action or activity will not require notification pursuant to Part II.C.8. Following such notice, the permit may be modified according to applicable laws and rules to specify and limit any pollutant not previously limited.

11. Bioaccumulative Chemicals of Concern (BCC)

Consistent with the requirements of Rules 323.1098 and 323.1215 of the Michigan Administrative Code, the permittee is prohibited from undertaking any action that would result in a lowering of water quality from an increased loading of a BCC unless an increased use request and antidegradation demonstration have been submitted and approved by the Department.

12. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Act and Rule 2128 (Rule 323.2128 of the Michigan Administrative Code), all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the Regional Administrator. As required by the Federal Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Federal Act and Sections 3112, 3115, 4106 and 4110 of the Michigan Act.

13. Representative Monitoring

Monitoring shall be representative of the monitored activity.

PART II

Section C. Management Responsibilities

1. Duty to Comply

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

It is the duty of the permittee to comply with all the terms and conditions of this permit. Any noncompliance with the Effluent Limitations, Special Conditions, or terms of this permit constitutes a violation of the Michigan Act and/or the Federal Act and constitutes grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of an application for permit renewal.

2. Operator Certification

The permittee shall have the waste control facilities under direct supervision of an operator certified at the appropriate level for the facility certification by the Department, as required by Section 3110 of the Michigan Act.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the surface waters or groundwaters of the state resulting from noncompliance with any requirement specified in this permit.

5. Containment Facilities

The permittee shall provide facilities for containment of any accidental losses of polluting materials in accordance with the requirements of the Part 5 Rules (Rules 324.2001 through 324.2009 of the Michigan Administrative Code).

6. Right of Entry

The permittee shall allow the Department, any agent appointed by the Department or the Regional Administrator, upon the presentation of credentials and following appropriate biosecurity protocols:

a. to enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit.

b. at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this permit; and to sample any discharge of pollutants.

7. Signatory Requirement

All applications, reports, or information submitted to the Department shall be signed and certified as specified in Rule 2114 (Rule 323.2114 of the Michigan Administrative Code).

8. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

PART II

Section D. Activities Not Authorized by This Permit

1. Discharge to the Groundwaters

This permit does not authorize any discharge to the groundwaters. Such discharge may be authorized by a groundwater discharge permit issued pursuant to the Michigan Act.

2. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the permittee's control, such as accidents, equipment breakdowns, or labor disputes.

3. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under Section 311 of the Federal Act except as are exempted by federal regulations.

4. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Federal Act.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits or approvals as may be required by law.